

AMENDED IN SENATE JUNE 1, 2009
AMENDED IN SENATE MAY 6, 2009
AMENDED IN SENATE APRIL 27, 2009

SENATE BILL

No. 742

Introduced by Senator Romero

February 27, 2009

An act to add and repeal Article 5 (commencing with Section 52065) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 742, as amended, Romero. School accountability: ~~lowest performing~~ *low-performing* public schools.

(1) The Public Schools Accountability Act of 1999 requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop the Academic Performance Index (API), consisting of a variety of indicators, to be used to measure the performance of schools. Existing law requires the Superintendent to develop, and the state board to adopt, expected annual percentage growth targets for all schools based on their API baseline score and prescribes a minimum percentage growth target of 5% annually.

The act also establishes the Immediate Intervention/Underperforming Schools Program (IIUSP). Schools that score below the 50th percentile on certain achievement tests are invited to participate in the program and are provided program funding. Twenty-four months after receiving IIUSP funding, a school that fails to meet its growth targets each year, but demonstrates significant growth, as determined by the state board, continues to participate in the program for an additional year and to

receive funding. If a school fails to meet its growth targets each year and does not demonstrate significant growth, it is deemed a state-monitored school and the Superintendent is required to take specified actions with regard to the school.

Federal law, the federal Elementary and Secondary Education Act, requires that a school district provide certain notifications to parents and employees. Federal law also requires at least one alternative governance arrangement or major restructuring effort for any school that fails to make adequate yearly progress after one full school year of corrective action.

This bill would establish an advisory committee to the Superintendent for the purpose of making recommendations to the state board on how to identify ~~the 10 historically lowest performing~~ *low-performing* public schools in the state, *subject to the requirements of federal law*, as specified. The bill would require the advisory committee to make these recommendations to the Superintendent by July 1, 2010. The Superintendent would be required to make recommendations to the state board by August 15, 2010, and the Superintendent and the state board would be required to jointly approve the criteria to be used in identifying ~~the 10 historically lowest performing~~ *low-performing* public schools in the state, as specified.

The bill would require the state board and the Superintendent, on or before November 1, 2010, ~~and each year thereafter~~, to identify ~~and update as appropriate a list of the 10 lowest performing~~ *10 of the historically low-performing* public schools in the state. The bill would require the Superintendent, within 30 days of making this determination, to ~~provide~~ *ensure* each employee and parent or guardian of a child enrolled or requesting to be enrolled in a school identified ~~for or removed from the list a notice is provided with federally required notices~~ containing specified information.

The bill, contingent upon the availability of *federal* funding for these purposes, would require the Superintendent and the state board to direct each identified school to take at least one of 3 specified *alternative governance or restructuring* actions, ~~including restructuring the internal operations of the school, operating the school under the oversight of a nonprofit management organization, as specified, or reopening as a public charter school, as specified~~ *required by federal law*. The bill would ~~include additional options for~~ *provide for* the Superintendent to *recommend revocation* and ~~for the state board to select from if the identified school is a charter school~~ *hold a hearing on revocation within*

90 days if the school is a charter school. The bill would require the State Department of Education to contract for an independent evaluation of the accountability measures established by this bill’s provisions, and to submit this evaluation to the chairpersons of the Joint Legislative Budget Committee, the Assembly Committee on Budget, the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Education, the Senate Committee on Education, the Governor, and the Director of Finance by no later than March 1, 2015.

Because this bill would require schools identified as ~~the~~ historically lowest performing *low-performing* public schools in the state to take specified actions, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) This bill would make these provisions inoperative on July 1, 2016, and would repeal them as of January 1, 2017.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 5 (commencing with Section 52065) is
2 added to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the
3 Education Code, to read:

4
5 Article 5. Accountability Measures for ~~the 10 Historically~~
6 ~~Lowest Performing~~ *10 Historically Low-Performing* California
7 Public Schools

8
9 52065. (a) There is hereby created an advisory committee to
10 the Superintendent for the purpose of making recommendations
11 to the state board on how to identify ~~the 10 historically lowest~~
12 ~~performing~~ *10 historically low-performing* public schools in the
13 state.

1 (b) Members of the advisory committee shall serve without
2 compensation and at the pleasure of their appointing body as
3 follows:

4 (1) One member appointed by the Governor to serve as a
5 cochair.

6 (2) One member appointed by the Superintendent to serve as a
7 cochair.

8 (3) One member appointed by the President pro Tempore of the
9 Senate.

10 (4) One member appointed by the Speaker of the Assembly.

11 (5) Eight members appointed by the Superintendent from
12 persons nominated by the members appointed pursuant to
13 paragraphs (1) to (4), inclusive. These members shall be nominated
14 by the members appointed pursuant to paragraphs (1) to (4),
15 inclusive, for their experience, understanding, and expertise in
16 addressing the renewal of public schools. *The Superintendent shall*
17 *ensure that the advisory committee includes persons who have*
18 *published findings or who are actively engaged in research on*
19 *successful school renewal efforts.*

20 (c) (1) By July 1, 2010, the advisory committee shall make
21 recommendations to the Superintendent regarding all of the
22 following:

23 (A) The criteria the Superintendent and the state board should
24 use to jointly identify public schools subject to the list required in
25 Section 52066. In making recommendations regarding these
26 criteria, the committee shall ~~consider only~~ *consider schools*
27 *currently or likely to be subject to restructuring pursuant to Section*
28 *1116 of the federal Elementary and Secondary Education Act (20*
29 *U.S.C. Sec. 6301 et seq.) in the subsequent school year. The*
30 *committee may also consider other objective data, including, but*
31 *not limited to, the results of the California Standards Test, the*
32 *Academic Performance Index, adequate yearly progress pursuant*
33 *to the federal Elementary and Secondary Education Act (20 U.S.C.*
34 *Sec. 6301 et seq.), dropout and graduation rates, and any other*
35 *objective measures it deems appropriate to recommend to the*
36 *Superintendent. Index, and dropout and graduation rates.*

37 (B) The conditions that must exist for a school to be removed
38 from the list established pursuant to Section 52066.

39 (2) On or before August 15, 2010, the Superintendent shall make
40 recommendations on the criteria and conditions described in

1 paragraph (1) to the state board, and on or before October 1, 2010,
2 the Superintendent and the state board shall jointly approve these
3 criteria and conditions.

4 52066. (a) On or before November 1, 2010, ~~and each year~~
5 ~~thereafter~~, the state board and the Superintendent, using the criteria
6 established pursuant to Section 52065, shall jointly identify ~~and~~
7 ~~update as appropriate a list of the 10 historically lowest performing~~
8 *10 historically low-performing* public schools in the state *subject*
9 *to this article*.

10 (b) *A minimum of three of the 10 schools identified in*
11 *subdivision (a) shall be comprehensive high schools serving*
12 *students in grades 9 to 12, inclusive, that had adjusted grades 9*
13 *to 12, inclusive, four-year derived dropout rates of 25 percent or*
14 *higher in 2007–08, as determined by the Superintendent.*

15 ~~(b)~~

16 (c) Within 30 days of making the determination in subdivision
17 (a), the Superintendent shall notify each local educational agency
18 responsible for oversight of a public school that is identified and
19 ~~require the governing board to provide~~ *ensure that the governing*
20 *board has provided* each employee and parent or guardian of a
21 child enrolled or requesting to be enrolled in a school that was
22 identified for or removed from the list described in subdivision (a)
23 a notice from the Superintendent that shall include at least all of
24 ~~the following:~~ *school identified in subdivision (a) the notices*
25 *required by both of the following:*

26 (1) ~~The specific reasons why the school was identified for or~~
27 ~~removed from the list of the 10 historically lowest performing~~
28 ~~public schools.~~

29 (2) ~~The latest copy of the school's accountability report card,~~
30 ~~schoolwide and subgroup results of the California Standards Test,~~
31 ~~the Academic Performance Index, adequate yearly progress~~
32 ~~findings pursuant to the federal Elementary and Secondary~~
33 ~~Education Act (20 U.S.C. Sec. 6301 et seq.), dropout and~~
34 ~~graduation rates, if applicable, and any other measures the~~
35 ~~Superintendent deems appropriate.~~

36 (3) ~~Information regarding all state and federal intradistrict and~~
37 ~~interdistrict public school transfer options and publicly funded~~
38 ~~academic supplemental services available to pupils enrolled in the~~
39 ~~school.~~

1 (1) Section 1116(b)(7)(E) of the federal Elementary and
 2 Secondary Education Act (20 U.S.C. Sec. 6301 et seq.).

3 (2) Section 1116(b)(8)(C) of the federal Elementary and
 4 Secondary Education Act (20 U.S.C. Sec. 6301 et seq.).

5 52067. (a) Upon identifying a school pursuant to Section
 6 52066, the Superintendent and the state board shall direct the local
 7 educational agency responsible for each identified school to
 8 evaluate the reasons for the determination and ~~initiate~~ *approve in*
 9 *a public hearing* at least one of the following ~~locally developed~~
 10 ~~renewal efforts approved by the local educational agency in a~~
 11 ~~public hearing and effective no later than the subsequent school~~
 12 ~~year following the notification in Section 52066:~~ *of the locally*
 13 *developed renewal efforts specified in Section 1116(b)(8)(B)(i),*
 14 *(ii), or (iii) of the federal Elementary and Secondary Education*
 15 *Act (20 U.S.C. Sec. 6301 et seq.).*

16 (b) For the high school identified in subdivision (b) of Section
 17 52066, the renewal efforts shall focus primarily on significant
 18 annual increases toward a four-year graduation rate goal of 90
 19 percent, as calculated pursuant to subparagraph (A) of paragraph
 20 (4) of subdivision (a) of Section 52052. The evaluation required
 21 in Section 52068 shall include an assessment of the efficacy of any
 22 strategies employed to increase graduation rates at each of the
 23 identified high schools.

24 ~~(1) To the extent not otherwise prohibited under law, restructure~~
 25 ~~the internal operations of the school, which may include, but is~~
 26 ~~not necessarily limited to, school leadership, certificated and~~
 27 ~~classified staff, and curriculum, based on a plan jointly approved~~
 28 ~~by the Superintendent and the state board.~~

29 ~~(2) To the extent not otherwise prohibited under law, operate~~
 30 ~~the school under the oversight of a nonprofit management~~
 31 ~~organization with which the Superintendent and the state board~~
 32 ~~have jointly entered into a contract.~~

33 ~~(3) Reopen as a public charter school jointly approved by the~~
 34 ~~local educational agency, the Superintendent, and the state board.~~

35 (b)

36 (c) If a school identified pursuant to subdivision (a) of Section
 37 52066 is a charter school, the Superintendent ~~and the state board~~
 38 ~~shall jointly direct the local educational agency responsible for~~
 39 ~~oversight of the identified charter school to do at least one of the~~

1 following: shall recommend revocation of the charter to the State
2 Board of Education pursuant to subdivision (c) of Section 47604.5.

3 (1) Perform the actions specified in either paragraph (1) or (2)
4 of subdivision (a).

5 (2) Reopen the school under the management of a statewide
6 benefit charter management organization based on a plan approved
7 jointly by the Superintendent and the state board.

8 (3) Facilitate a review of the school by the Superintendent
9 pursuant to Section 47604.5 and facilitate the implementation of
10 the appropriate action, if any, directed by the state board pursuant
11 to any findings made pursuant to Section 47604.5.

12 (d) No later than 90 days upon receipt of a recommendation
13 for revocation pursuant to subdivision (b), the board shall hold a
14 public hearing to consider the revocation of the charter.

15 (e)

16 (e) If the Director of Finance determines that sufficient federal
17 funds are not available to implement the renewal efforts pursuant
18 to this section for the budget year, the Director of Finance shall
19 notify the Superintendent and the state board, and within 45 days,
20 all of the following shall occur:

21 (1) The Superintendent and the state board shall determine
22 whether any federal funding is other federal funds are available,
23 and if so, shall determine how that funding could be best allocated
24 to facilitate the ongoing renewal efforts for the lowest performing
25 low-performing schools on the list subject to this section.

26 (2) After making the determinations described in paragraph (1),
27 the Superintendent and the state board shall develop a budget
28 request for state funding to implement the remaining schools'
29 renewal efforts in priority order and submit the request to the
30 Department of Finance and the Legislature and notify these schools
31 that the Legislature is considering the request, but that the renewal
32 plans required by this section are recommended but not mandatory
33 until the Legislature acts on the budget request pursuant to
34 paragraph (3) of this subdivision. with the approval of the Director
35 of Finance and pursuant to any applicable notification
36 requirements in the annual Budget Act, the Superintendent and
37 the state board shall notify the relevant local educational agencies
38 regarding which schools are subject to the requirements of this
39 section for the subsequent school year and the remaining schools

1 *for which the renewal plans otherwise required by this section are*
2 *recommended but not mandatory.*

3 ~~(3) If the Legislature makes additional funding available to~~
4 ~~supplement any available federal funds for the implementation of~~
5 ~~renewal efforts after considering and approving a budget request~~
6 ~~submitted pursuant to paragraph (2), and designates specifically~~
7 ~~which renewal efforts and for which of the remaining 10 schools~~
8 ~~identified pursuant to subdivision (a) of Section 52066, the state~~
9 ~~aid is available, the requirements of this section shall be~~
10 ~~implemented for those schools in the budget year.~~

11 52068. The department shall contract for an independent
12 evaluation of the program established by this article. The costs of
13 the evaluation shall be paid for from *federal* funds appropriated
14 to the department in the Budget Act. The evaluation shall determine
15 whether this program has been effective in improving pupil
16 achievement and shall identify components of successful school
17 renewal. The evaluation shall be submitted, no later than March
18 1, 2015, to the chairpersons of the Joint Legislative Budget
19 Committee, the Assembly Committee on Budget, the Senate
20 Committee on Budget and Fiscal Review, the Assembly Committee
21 on Education, the Senate Committee on Education, the Governor,
22 and the Director of Finance.

23 52069. This article shall become inoperative on July 1, 2016,
24 and, as of January 1, 2017, is repealed, unless a later enacted
25 statute, that becomes operative on or before January 1, 2017,
26 deletes or extends the dates on which it becomes inoperative and
27 is repealed.

28 SEC. 2. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.